

SENATE CHAMBER }  
AUSTIN, TEXAS, Tuesday, March 7, 1871. }

Senate met pursuant to adjournment; Hon. Don Campbell, President, in the chair.

Roll called; quorum present.

Absent—Senator Pickett.

Prayer by the Chaplain.

On motion of Senator Gaines, the reading of the journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Bell: petition of John P. Terrell for relief. Read, and referred to Committee on State Affairs.

REPORTS OF STANDING COMMITTEES.

Reports of Committee on Roads, Bridges and Ferries:

COMMITTEE ROOM,  
AUSTIN, March 2, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, to whom was referred Senate bill No. 150, to be entitled "An act to authorize certain persons therein named to operate a ferry on Sabine river, in Upshur county," have had the same under consideration, and instruct me to report the same back, with recommendation that it pass.

J. G. BELL,  
Chairman.

Report read, and laid over under the rules.

COMMITTEE ROOM,  
AUSTIN, March 2, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on Roads, Bridges and Ferries, have had under consideration Senate bill No. 149, to be entitled "An act to incorporate the Sabine and Neches Bridge Company," and beg leave to report the same back, with recommendation that it pass.

Respectfully,

J. G. BELL,  
Chairman.

Report read and laid over under the rules.

Report of Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, March 6, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Committee on State Affairs, to whom was referred Senate bill No. 85, entitled "An act to incorporate the San Antonio Hook and Ladder Company No. 1," have carefully considered the same, and instruct me to report the same back, with the following amendment, and recommend its passage, to-wit: Amend section five, line one, strike out the words "property of said company," and insert "machinery and implements owned and used by said company for extinguishing fires, together with one building sufficient for the protection of the same."

S. W. FORD,  
Chairman.

Report read and laid over under the rules.

Senator Pridgen submitted the following report of the select committee on Senate joint resolution No. 20:

COMMITTEE ROOM,  
AUSTIN, March 7, 1871.

Hon. DON CAMPBELL,

President of the Senate:

SIR: Your Special Committee, to whom was referred Senate joint resolution No. 20, "Authorizing the sale of the Houston Tap and Brazoria Railway," have considered the same, and I am instructed to report back the accompanying substitute and recommend its adoption.

E. B. PICKETT,  
Chairman.

Substitute to Senate joint resolution No. 20, "Joint resolution authorizing the sale of the Houston Tap and Brazoria Railway." Report and substitute read first time.

Senator Pridgen moved a suspension of the rules to consider the report, which motion was lost.

Under the direction of the President, the Secretary carried to the House for concurrence Senate bills No. 20, "An act to incorporate the Bank of Texas;" No. 87, "An act to organize and incorporate the East Line and Red River Railroad Company."

Also, informing the House that the Senate had passed the following House bills, No. 68, "An act to incorporate the town of Millican, county of Brazos;" House bill No. 102, "An act to incorporate the city of Calvert, in Robertson county;" House bill No. 193, "An act to incorporate the Corpus Christi Navigation Company."

## BILLS AND RESOLUTIONS.

By Senator Hall: A bill (Senate bill No. 220) to be entitled "An act to incorporate the Calvert, Brazos and Belton Railroad Company." Read first time and referred to Committee on Internal Improvements.

Senator Pyle offered the following resolution, which was adopted:

*Resolved*, That the use of the Senate Chamber be granted the Rev. Dr. Young on the nights of the thirteenth and fourteenth instants, for the purpose of delivering lectures on temperance.

Senator Bowers offered the following resolution:

*Resolved*, That the Senate proceed to elect a reporter, whose duty it shall be to report all debates on the special orders of the day, and who shall furnish fair copies thereof to the public printer, under the direction of the President of the Senate. That the salary for such services shall be the same as allowed at last session, with an additional per diem for ten days from the close of the session; *provided*, that no warrant shall issue for any period until the reporter shall have satisfied the President of the Senate that the debates have been brought up to the time for which the warrant is issued, except in the case of the additional ten days, when the closing debate properly finished shall be evidence sufficient.

Senator Bell moved to refer the resolution to the Committee on Retrenchment and Reform.

Yeas and nays called for and lost by the following vote:

Yeas—Bell, Ford, Gaines, Hall, Hertzberg, Hillebrandt, Mills, Parsons, Pettit, Pridgen, Ruby, Saylor, Tendick—13.

Nays—Mr. President, Baker, Bowers, Braughton, Cole, Dillard, Dohoney, Douglass, Evans, Flanagan, Fountain, Latimer, Pyle, Rawson, Shannon—15.

Senator Gaines moved to lay the resolution on the table, which motion was adopted and the resolution laid on the table.

Senator Ruby offered the following resolution:

*Resolved*, That the resolution compelling Senators to receipt for postage stamps be and is hereby rescinded.

Senator Flanagan moved its adoption.

Yeas and nays called for and lost by the following vote:

Yeas—Mr. President, Bowers, Cole, Evans, Flanagan, Ford, Fountain, Hertzberg, Hillebrandt, Pyle, Ruby, Saylor, Tendick—13.

Nays—Baker, Bell, Braughton, Dillard, Douglass, Gaines, Hall, Latimer, Mills, Parsons, Pettit, Pridgen, Rawson, Shannon—14.

By leave, Senator Ford submitted the following report of the Committee on State Affairs:

COMMITTEE ROOM,  
AUSTIN, March 7, 1871.

Hon. DON CAMPBELL,

President of the Senate :

SIR : Your Committee on State Affairs, to whom was referred Senate bill No. 81, have had the same under consideration—are of opinion that constitutional points of law are involved, which your Committee on State Affairs are not willing to decide ; therefore, your committee recommend its reference to the Judiciary Committee.

S. W. FORD,  
Chairman.

Senator Ford moved a suspension of the rules to consider the report.

Motion to suspend the rules lost.

Report laid over under the rules.

By Senator Ruby : a bill (Senate bill No. 221) an act to be entitled "An act to enforce compliance by public carriers with the provisions of section twenty-one, article one of the Constitution." Read first time and referred to Committee on Judiciary.

By Senator Baker : a bill (Senate bill No. 222) to be entitled "An act making an appropriation for the mileage and per diem pay of the members and the per diem pay of the officers and employes of the Twelfth Legislature of the State of Texas." Read first time.

On motion of Senator Baker, the rules were suspended and Senate bill No. 222 read second time, ordered engrossed, and passed to a third reading.

On motion of Senator Pyle, the rules were further suspended and Senate bill No. 222 read third time and passed by the following vote :

Yeas—Mr. President, Baker, Bell, Cole, Dillard, Dohoney, Douglass, Ford, Fountain, Gaines, Hall, Hertzberg, Hillebrandt, Latimer, Parsons, Pettit, Pridgen, Pyle, Rawson, Ruby, Shannon, Tendick—22.

Nays—Bowers, Braughton, Evans, Mills, Saylor—5.

#### GENERAL FILE.

Senate bill No. 32, "An act to prohibit the sale or otherwise disposing of spirituous or vinous liquors within two miles of Douglassville College, in Davis county, Texas." Read second time.

On motion of Senator Ruby, the following amendments of the Committee on Education, were adopted : Strike out the word "vi-

nous" in the title and insert "intoxicating." In section one strike out the words "liquors, including all vinous, fermented or medicated," and insert the words "or spirituous."

Senate bill No. 32 ordered engrossed and passed to a third reading as amended.

Senate joint resolution No. 8, joint resolution "to authorize and require the Governor to lease the State Penitentiary, together with the labor of the convicts therein." Read second time.

Senator Ruby offered the following amendment which was adopted: In line four, section one, before the word "for" insert "by public advertisement."

Senator Ruby moved to amend section one by striking all out after the word "State," in line ten, down to and including the word "with," in line thirteen, and insert the following: "and the Governor shall appoint a superintendent and physician, by and with the advice and consent of the Senate, whose duty it shall be to supervise the control, management and health of the convicts, and to see that the guards for the convicts do their duty, and that the convicts are not overworked or employed at unhealthy occupations, but subject to their supervision."

Amend line 84, fill the blank by inserting, "such sum as may be fixed by the Governor, not being less than fifty thousand dollars."

Senator Douglass moved to amend the amendment, by striking out the words "superintendent and," which amendment was adopted.

On motion of Senator Ruby, the consideration of Senate joint resolution No. 8 was postponed, and made the special order for Monday, at 12 M., in Committee of the Whole.

The hour having arrived for the consideration of the special order, Senate bill No. 166, "An act to establish a system of public free schools in the State of Texas."

On motion of Senator Ruby, the Senate resolved itself into Committee of the Whole to consider Senate bill No. 166.

#### IN SENATE.

Senator Flanagan, Chairman of the Committee of the Whole, having under consideration Senate bill No. 166, reported progress, and asked leave to sit again on Friday, at 12 M.

Report received and leave granted.

12 o'CLOCK M.

The hour having arrived for the special order, Senate bill No. 9, an act to be entitled "An act to authorize the county courts to sell the school lands situated in their respective counties," on motion of Senator Dohoney, the following amendments, reported by the Committee on Judiciary, were adopted: Amend section four, lines two

and three—strike out the words “shall not be sold at public auction, as herein provided for, but—.” Amend section six, lines nine and ten—strike out the words “provided that said certificates of sale shall not be assignable and—.” Amend by striking out the words “superintendent of education,” wherever they occur in the bill, and insert the words “superintendent of public instruction.”

Message from the House by the Chief Clerk, transmitting for signature the following enrolled House bill No. 144: “An act to incorporate the town of Georgetown, in Williamson county,” etc.

Enrolled bill signed and returned to the House.

Senator Hall moved to amend Senate bill No. 9, in section three, line one, by inserting after the word “made” the words “for cash or—”

Amendment adopted.

Senator Bell moved to refer Senate bill No. 9 to a select committee of three, and that the report and bill be made the special order for Tuesday next, at 12 M.

On motion of Senator Gaines, Senate bill No. 9 was recommitted to the Committee on Judiciary.

By leave, Senator Saylor introduced Senate joint resolution No. 25, “Joint resolution respecting our postal service.” Read first time.

On motion of Senator Saylor, the rules were suspended and Senate joint resolution No. 25 read second time, ordered engrossed and passed to a third reading.

On motion of Senator Mills, the rules were further suspended and Senate joint resolution No. 25 read third time and passed.

On motion of Senator Gaines, the Senate adjourned to 10 o'clock A. M., to-morrow.

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